CONSTITUTION
OF THE
NATIVE VILLAGE OF KIANA, ALASKA

PREAMBLE

We, a group of Inupiat having common bonds of heritage and of living together in the area known as Katyaak, and also known as the village of Kiana, Alaska, in order to promote our security and welfare, and advance and protect our common interests as descendants of the aboriginal people of the Kobuk River Valley, do establish this constitution for ourselves by authority of the Katyaakmiut.

Article I - Name

The name of this organization shall be called the "Native Village of Kiana".

Article II - Territory

The jurisdiction of the Native Village of Kiana shall coincide with lands selected by the Inupiat people of Katyaak, the Katyaakmiut, for the Native village of Kiana under the Alaska Native Claims Settlement Act; Native Allotments and other restricted lands held by the United States, in trust, for the benefit of individual Katyaakmiut, and shall extend over the other lands traditionally used and occupied by the Katyaakmiut in and around Kiana, Alaska, and any such other Indian Country as defined by Federal Law.

Article III - Membership

Section 1. First Members. All persons who were or are known as Katyaakmiut and recognized as such by the Council shall be called First Members of the Native Village of Kiana. The Council will publish a list of those known to be First Members within one year of the effective date of this Constitution.

Section 2. Basic Membership. All persons whose names appear on a list prepared pursuant to the Alaska Native Claims Settlement Act, associated with the Native village of Kiana, shall be members of the Native Village of Kiana; and all Alaska Native or American Indian persons who make their homes in or around the Native Village of Kiana on the date this Constitution becomes

effective shall be members; and all descendants of First Members shall be members of the Native Village of Kiana.

Section 3. Children of Members. All descendants of any members, by blood or adoption, shall be members of the Native Village of Kiana.

Section 4. New Members. A. Any Alaska Native or American Indian who becomes a resident of the Native Village of Kiana after the effective date of this Constitution may be adopted as a member by the Council upon a majority vote in a regularly called meeting of the Council.

B. The non-native spouse of a member may be adopted by the Council upon a majority vote in a regularly called meeting of the Council.

Section 5. Regulation of Membership. The Council shall have the power to enact ordinances and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, including application and appeal procedures, loss of membership, adoption of members, and recognition of persons as members.

Article IV - Governing Body

Section 1. Name. The governing body of the Native Village of Kiana shall be the Kiana Traditional Council, hereinafter and above referred to as the Council.

Section 2. Composition. The Council shall consist of seven (7) members who shall be elected by a majority vote of the qualified members of the Native Village of Kiana.

Section 3. Officers. The Council shall include a President, a Vice-President, a Secretary and a Treasurer and three other members.

Section 4. Terms of Office. Terms of office shall be determined by ordinance of the Council.

Article V - Elections

Section 1. First Election. The first regular election of officials under this Constitution shall be held within ninety (90) days of the effective date of this Constitution. Officers and Council members holding office at the time of the adoption of

this Constitution, duly elected under the custom of the Native Village of Kiana, shall remain in office until the first regular election.

Section 2. Voter Qualifications. Any duly enrolled member of the Native Village of Kiana who is at least eighteen (18) years of age or older on the date of election and who makes his or her home in the village on the date of the election shall be entitled to vote in all village elections.

Section 3. Qualifications of Candidates. Any duly enrolled members of the Native Village of Kiana who is eighteen (18) years of age or older on the date of election and who makes his or her home in the village on the day of the election shall be eligible to become a candidate for election to membership on the Council and serve in that capacity; Provided that no person shall be a candidate for more than one (1) position in any election.

Section 4. Election Ordinance. An election ordinance, consistent with this Constitution, shall be adopted by the Council within sixty (60) days following the effective date of this Constitution which shall set forth the procedures to be followed in conducting each of the various types of elections called for in this Constitution. The election ordinance may be amended and/or revised at any time as needed. The ordinance shall include provisions for conducting all village elections including voting procedures, nominating procedures, maintenance of a current list of eligible voters, and the settling of election disputes. The ordinance shall spell out the procedure and format to be used whenever it is necessary to submit petitions for any purpose to the Council, and the method for determining the validity of petitions.

Arcicle VI - Removal, Recall and Forfeiture

Section 1. Removal. Any Council member or other official found guilty by the Council of behavior involving gross misconduct in office or neglect of duty shall be removed from office if at least four (4) members of the Council vote in favor of such removal. Voting must be by secret ballot and the President is entitled to vote. If the accused is a member of the Council, the accused shall not have the right to cast a secret ballot. Before any vote for removal is taken, the person subject to removal shall be given a written statement of the charges against him or her at least ten (10) days before the designated meeting of the Council at which he or she shall be given an opportunity to answer any and all charges. If the person subject to removal fails to appear before the Council, the Council shall proceed

with the vote as scheduled. The decision of the Council is final. No member of the Council shall preside over the meeting at which his or her removal is being considered.

Section 2. Recall. The Village members shall have the power to recall any member of the Council. The recall process shall be initiated by filing, with the Council, a valid Petition asking for such recall, signed by at least thirty percent (30%) of the eligible voters, and setting forth the reason(s) for the Petition. Within thirty (30) days after the receipt of a valid Recall Petition, the Council shall call and conduct an election to consider the recall of the official named in the Petition. Once an individual has been subjected to recall proceedings, he or she shall not again be subject to such action during the balance of his or her term of office, if the factual basis of the later recall is the same as that of the earlier recall.

Section 3. Forfeiture. If any member of the Council shall be found guilty of a felony in any federal or state court; shall die; shall resign or shall be absent from three (3) consecutive meetings without being excused by the Council, he or she shall automatically forfeit his or her office.

Arcticle VII - Vacancies

Section 1. Any office which has been vacated, whether it be by removal, recall or forfeiture, shall be filled by appointment of the Council at its next meeting and such replacement shall serve the unexpired term of office.

Arcticle VIII - Powers

Section 1. The Council is vested with all executive, legislative and judicial authority of the Native Village of Kiana. The Council may delegate any portion of its authority by the adoption of an appropriate resolution, ordinance or regulation.

Section 2. The Council shall have powers and responsibilities hereinafter provided, subject to any limitations imposed upon such powers by the statutes and laws of the United States;

(a) to consult, negotiate, contract or conclude agreements with federal, state and local governments on activities which may affect the Native Village of Kiana;

(b) to employ legal counsel;

(c) to receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriation estimates for all projects which are for the benefit of members of the Native Village of Kiana prior to the submission of such estimates to the Office of Management and Budget and the Congress;

(d) to acquire property and to accept gifts;

(e) to join and or charter village housing authorities;

(f) to charter village enterprises, corporations and associations;

(g) to prescribe rules and regulations governing future membership, loss of membership and the adoption of members;

(h) to administer village assets and manage of all economic affairs and enterprises of the village, including the lease, sale or other disposition of lands owned by the village;

(i) to promote the peace, safety, health and general welfare of the members of the village;

(j) to enact ordinances and regulations consistent with this Constitution for the conduct and administration of all tribal elections, the appointment of an Election Board and the regulation of its duties;

(k) to levy and collect taxes, fees and assessments for village purposes upon members of the village;

(l) to encourage and foster the arts, crafts, traditions, language and culture of the village;

(m) to enact by-laws, ordinances and regulations governing the Council in the conduct of its duties;

(n) to establish other branches of government with powers not inconsistent with this Constitution; and

(o) to do all things, which by custom of the village, are for the common good of the village and not inconsistent with the laws of the United States and this Constitution.

Section 3. Any rights and powers heretofore vested in the Native Village of Kiana, but not expressly referred to in this Constitution, shall not be lost by reason of their omission, but may be exercised by the Council through the adoption of appropriate amendments of this Constitution.

Article IX - Popular Participation in Government

Section 1. Initiative. The eligible voters of the village shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid Petition, signed by at least thirty percent (30%) of the eligible voters, the Council shall call an election to be conducted by the Election Board no later than thirty (30) days after receipt of the Petition. An affirmative vote by at least a majority of those voting shall be required to determine the issues or questions submitted to the voters.

Section 2. Referendum. The Council, by an affirmative vote of at least four (4) of its members, shall call an election to be conducted by the Election Board within thirty (30) days of such Council decision for the purpose of deciding, by secret ballot, issues or questions that are within the authority of the Council. An affirmative vote by at least a majority of the eligible voters shall be required to determine the issue or question submitted to the voters.

Section 3. The decision of the voters in both the initiative and referendum elections shall be binding on the Council and the village and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms, or expires in five (5) years, whichever comes first.

Article X - Rights of Members

Section 1. All members of the village shall enjoy without hindrance equal rights to life, liberty and the pursuit of happiness.

Section 2. This Constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the village as citizens of the State of Alaska and the United States.

Section 3. The individual property rights of any member of the Native Village of Kiana shall not be altered, abridged or otherwise affected by the provisions of this Constitution.

Section 4. Village members shall have the right to review all Council records including financial records at any reasonable time in accordance with procedures established by the Council.

Section 5. The Native Village of Kiana in exercising its powers of self-government shall not:

(a) make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(b) violate the right of the people to be secure in their homes, houses, papers and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(c) subject any person for the same offense to be twice put in jeopardy;

(d) compel any person in any criminal case to be a witness against himself or herself;

(e) take any private property for public use without just compensation;

(f) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him or her, to have compulsory process for obtaining witnesses in his or her favor, and at his or her own expense, to have the assistance of counsel for his or her defense;

(g) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one (1) offense any penalty or punishment greater than imprisonment for a term of six (6) months of a fine of five hundred dollars ($500.00) or both;

(h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) pass any bill of attainder or ex post facto law;

(j) deny to any person accused of an offense punishable by imprisonment the right, upon request, to trial by jury of not less than six (6) persons.

Article XI - Duties of Officers

Section 1. Newly elected officers shall assume their respective offices and duties immediately upon being elected and seated.

Section 2. The President shall preside at all the meetings of the Village and of the Council and shall execute, on behalf of the Village, all contracts, leases or other documents approved by the Council. He or she shall vote only in cases of a tie, or when necessary to make a quorum. He or she shall have general supervision of all other officers, employees and committees of the Village and see that their duties are properly performed. When the Council is not in session, he or she shall be the official representative of the Village. The President's authority to represent the village shall be to the extent authorized by the Council.

Section 3. The Vice-President shall assist the President when called upon to do so. In the absence of the President, he or she shall preside and when so presiding shall have all the rights, privileges, duties and responsibilities of the President.

Section 4. The Secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. Copies of the minutes, resolutions and ordinances shall be kept in the office. The Secretary shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Council.

Section 5. The Treasurer shall carry out the financial directives of the Council, receive all local monies and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the Native Village of Kiana's account, in a bank selected by the Council, where depositors' funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made in accordance with resolutions, ordinances or regulations of the Council. The Treasurer shall give a financial report to the Council once a month, and all financial records shall be available for inspection by any member of the Village. At the expiration of his or her term of office, the Treasurer shall turn over all the records and papers in his or her possession to his or her successor or to the Council.

where at least twenty-five percent (25%) of those entitled to vote cast their ballots.

01/20/87
Date of Certification

Lydia A. Curtis
Chairman, Election Board

Lucy Jackson
Election Board Member

Inez Black
Election Board Member